

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Civil Action No. 7:23-cv-00004-M

JACINTO GOMEZ OVANDO, and  
MARIA DEL CARMEN PERALTA  
BAEZA, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

MOUNTAIRE FARMS, INC., and  
MOUNTAIRE FARMS OF NORTH  
CAROLINA, CORP.,

Defendants.

ORDER

These matters come before the court on the Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement Agreement of Class and Collective Action and Release of Claims [DE 135], Plaintiffs' Unopposed Motion for Preliminary Approval of Service Awards [DE 137], and Plaintiffs' Unopposed Motion for Preliminary Approval of Attorneys' Fees and Reimbursement of Expenses. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. issued a Memorandum and Recommendation ("M&R"), recommending that the court grant all motions. DE 142. To date, no objections have been filed.<sup>1</sup>

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<sup>1</sup> Judge Jones issued the M&R on May 15, 2025, and ordered that the parties file any objections on or before May 29, 2025. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); Local Civil Rule 72.4(b).

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the comprehensive and thoroughly prepared M&R and the record presented, and finding no error, much less clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiffs' motions [DE 135, 137, and 139] are GRANTED as set forth in separate orders issued this day for each motion.

SO ORDERED this 19<sup>th</sup> day of June, 2025.

  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE